

## **Part 1**

### **General Provisions**

#### **65A-14-101 Title.**

This chapter is known as the "Utah Bioprospecting Act."

Enacted by Chapter 21, 2010 General Session

#### **65A-14-102 Definitions.**

As used in this chapter:

- (1)
  - (a) "Bioprospecting" means the removal from a natural environment for research or commercial use of:
    - (i) a naturally occurring microorganism, plant, or fungus; or
    - (ii) information concerning a naturally occurring microorganism's, plant's, or fungus' physical or genetic properties.
  - (b) "Bioprospecting" does not include:
    - (i) horticultural cultivation, except for horticultural genetic engineering conducted in a manner otherwise constituting bioprospecting;
    - (ii) an agricultural enterprise;
    - (iii) a forest and range management practice;
    - (iv) invasive weed management;
    - (v) Christmas tree and related sales; or
    - (vi) incidental removal of a microorganism, plant, or fungus while engaged in bona fide research or commercial enterprises.
- (2) "Nonfederal public land" means land in the state that:
  - (a) is not owned, controlled, or held in trust by the federal government; and
  - (b)
    - (i) is owned or controlled by:
      - (A) the state;
      - (B) a county, city, or town; or
      - (C) a governmental entity other than the federal government; or
    - (ii) is school and institutional trust lands, as defined in Section 53C-1-103.

Enacted by Chapter 21, 2010 General Session

#### **65A-14-103 Scope of chapter.**

- (1) This chapter does not modify or replace any other requirement under federal, state, or local law related to an act that under this chapter is considered bioprospecting, including any requirement to obtain the permission of a landowner.
- (2) This chapter applies only to non-federal public land.

Enacted by Chapter 21, 2010 General Session

#### **65A-14-104 Rulemaking.**

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules necessary to fulfill the purposes of this chapter.

Enacted by Chapter 21, 2010 General Session